

AO 91 (Rev. 08/09) Criminal Complaint

# UNITED STATES DISTRICT COURT

for the  
Western District of Texas

2010 NOV 15 PM 4:06

CLERK OF DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

United States of America

v.

MARTHA REYES

Case No.

A 10-m-867

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/12/2007 and 07/15/2010 in the county of TRAVIS in the  
WESTERN District of TEXAS, the defendant(s) violated:

## Code Section

42 USC Section 408(a)(7)(B)  
18 USC Section 1035(2)

## Offense Description

Social Security Number Misuse  
False Statements Related to Healthcare Matters

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/15/10

City and state:

Austin, Tx

Judge's signature

ROBERT PITMAN

U.S. MAGISTRATE JUDGE

Printed name and title

AFFIDAVIT

I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:


1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste, and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations of identity theft statutes under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes. I have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Martha Reyes (hereafter referred to as REYES) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1035(a)(2). Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. Certified Nurse's Aides (CNAs) Licensing: Individuals seeking to become CNA's in Texas must complete an approved nurse aide training and competency evaluation program and pass the competency evaluation program examination. CNA education programs cover subjects such as basic nursing principles, patient rights, effective communication, job safety, anatomy and medical terminology, ethics, observation and reporting. Prior to obtaining a passing score on the exam, the student must submit a Texas Nurse Aide Testing Program Application for Registration by Examination. The form is completed and signed by both the individual seeking to become a CNA and the Texas Department of Aging and Disability Services (DADS) approved Nurse Aide Training and Competency Evaluation Program (NATCEP) training facility. The form contains among other information; the applicant's full name, social security account number (SSAN), date of birth, mailing address, education level of the applicant, and nurse aide experience. This investigation has revealed that on or about December 12, 2007, REYES completed and signed the Texas Nurse Aide Testing Program Application for Registration by Examination.
4. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing Home and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using false or

fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that REYES was one of the twenty-eight individuals that had obtained employment with the PNHRC. I was provided copies of the documents REYES provided when applying for employment. A review of these documents revealed that as a part of the application process, REYES provided two forms of identification including a Social Security Card (XXX-XX-1846) and a Texas Department of Public Safety Driver License (00464747). The PNHRC is a nursing home facility which bills both the federal Medicare program and the state Medicaid program for services rendered on behalf of patients residing there. Nurse's Aides employed by the PNHRC must be properly registered CNAs in the state of Texas.

5. On November 10, 2010, I received the Texas Nurse Aide Testing Program Application for Registration by Examination completed, signed, and dated on December 12, 2007 by REYES. A review this document revealed that REYES provided the same SSAN (XXX-XX-1846) on this application, claiming that the Commissioner of the Social Security Administration (COSS) issued the SSAN to her. Further review of the document revealed that REYES provided a Social Security Card (XXX-XX-1846) to the Central Texas Nurse Network, Inc., a DADS approved NATCEP training facility, as proof of her identity and eligibility to work in the United States, a photocopy was made and submitted to DADS along with the application. The Social Security Card listed the name Martha REYES and SSAN XXX-XX-1846. Upon further review of this photocopy it appears that, the Social Security Card is a fictitious or counterfeit Social Security Card.
6. On November 12, 2010, I also received Department of Homeland Security U.S. Citizenship and Immigration Services Employment Eligibility Verification (Form I-9) and Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4); both documents were completed, signed, and dated on July 15, 2010 by REYES. A review of these documents revealed that REYES provided the same SSAN (XXX-XX-1846) on both these forms, claiming that the COSS issued the SSAN to her. The PNHRC made a photocopy of the Social Security Card REYES provided, bearing the name Martha REYES and SSAN XXX-XX-1846. Upon further review of this photocopy it appears that, the Social Security Card is a fictitious or counterfeit Social Security Card.
7. On November 12, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was a valid SSAN issued by the COSS but the SSAN was not issued to REYES. The systems searches further revealed that the SSAN was originally by issued in June 1948, to an individual named E. Walters.
8. REYES fraudulently used SSN XXX-XX-1846 by providing false information on Department of Homeland Security U.S. Citizenship and Immigration Services

Employment Eligibility Verification (Form I-9), Department of the Treasury Internal Revenue Service Employee's Withholding Allowance Certificate (Form W-4), and on the Texas Nurse Aide Testing Program Application for Registration by Examination.

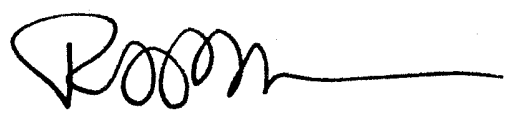
9. On or about December 12, 2007, REYES, did knowingly and willfully falsify, conceal, and made materially false, fictitious, or fraudulent statements or representations, and used materially false writing or documents knowing that the same contained materially false, fictitious, and fraudulent statements and entries that were in connection with the delivery of or payment for a health care benefit program, in violation of Title 18 United States Code 1035(a)(2).
10. On or about July 15, 2010, REYES, did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to her, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to her, in violation of Title 42, United States Code, Section 408(a)(7)(B).
11. Based on the forgoing, I submit that sufficient probable cause exists to believe that Martha REYES has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1035(a)(2).



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Antonio Puente  
Special Agent  
Social Security Administration  
Office of the Inspector General  
Office of Investigations

Sworn to before me and subscribed in my presence.



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U.S. Magistrate Judge